

1 ALLISON M. BROWN (Admitted *Pro Hac Vice*)
alli.brown@kirkland.com
2 JESSICA DAVIDSON (Admitted *Pro Hac Vice*)
jessica.davidson@kirkland.com
3 CHRISTOPHER D. COX (Admitted *Pro Hac Vice*)
christopher.cox@kirkland.com
4 **KIRKLAND & ELLIS LLP**
5 601 Lexington Avenue
New York, NY 10022
6 Telephone: (212) 446-4800

7 PATRICK OOT (Admitted *Pro Hac Vice*)
oot@shb.com
8 **SHOOK, HARDY & BACON L.L.P.**
9 1800 K St. NW Ste. 1000
Washington, DC 20006
10 Telephone: (202) 783-8400

11 Christopher V. Cotton (Admitted *Pro Hac Vice*)
ccotton@shb.com
12 **SHOOK, HARDY & BACON L.L.P.**
13 2555 Grand Blvd.
Kansas City, Missouri 64108
14 Telephone: (816) 559-2393
Facsimile: (816) 421-5547

15 *Attorneys for Defendants*
16 UBER TECHNOLOGIES, INC.;
17 RASIER, LLC; and RASIER-CA, LLC

18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**
20 **SAN FRANCISCO DIVISION**

21 IN RE: UBER TECHNOLOGIES, INC.,
22 PASSENGER SEXUAL ASSAULT
23 LITIGATION

24 This Document Relates to:

25 *I.C. v. Uber Technologies, Inc., et al.*,
26 3:25-cv-06382-CRB

Case No. 3:23-md-03084-CRB

**DEFENDANTS UBER TECHNOLOGIES,
INC., RASIER, LLC, AND RASIER-CA,
LLC'S OPPOSITION TO MOTION TO
WITHDRAW AS COUNSEL OF RECORD**

Judge: Honorable Charles R. Breyer

1 The Court should deny Peiffer Wolf Carr Kane Conway and Wise, LLP's ("Peiffer Wolf")
 2 Motion to Withdraw as Counsel of Record (ECF 4446) for the above referenced Plaintiff.

3 Peiffer Wolf has acknowledged that Plaintiff I.C. has "failed to provide... sufficient or
 4 adequate information to meet their obligations under PTO 31." ECF 4446 at 2. PTO 31, which this
 5 Court entered on September 9, 2025, requires Plaintiff to "either (i) produce a bona fide ride receipt
 6 to Defendants via MDL Centrality, or (ii) serve a statement indicating that the Plaintiff is unable to
 7 locate the receipt, explaining in detail the reasonable efforts that have been undertaken by Plaintiff to
 8 search their email and the Uber app for the receipt, and explaining why Plaintiff has been unable to
 9 locate the receipt" within 30 days. ECF 3877. Peiffer Wolf has not disclosed to this Court that
 10 Plaintiff's deadline to comply with PTO 31 **has already passed**, or mentioned that PTO 31 specifies
 11 that failure to comply with the deadline "shall subject the Plaintiff to dismissal without prejudice." *Id.*
 12 Instead, having filed a complaint raising serious allegations of sexual assault on Plaintiff's behalf and
 13 pursued it for months despite what it now says was Plaintiff's "fail[ure] to properly communicate with
 14 our office throughout her representation," ECF 4446-1 ¶ 5, Peiffer Wolf now seeks to abandon Plaintiff
 15 by withdrawing at the eleventh hour, without so much as acknowledging the missed deadline, much
 16 less explaining how it knows its client will be able to proceed *pro se* without further delaying these
 17 proceedings. Permitting withdrawal under these circumstances would be highly prejudicial to both
 18 Plaintiff I.C. and to Uber. *See Eslick v. Intuitive Surgical, Inc.*, No. at *2 (N.D. Cal. April 9, 2019)
 19 (denying motion to withdraw that "would pose possible prejudice to Plaintiff and Defendant and may
 20 delay resolution of the case"). As this Court put it in denying a similar motion to withdraw:

21 The Motions to Withdraw as Counsel in the above-captioned cases are denied
 22 without prejudice pending the resolution of Uber's Motion for Entry of an Order to
 23 Show Cause. The plaintiffs in these cases are alleged to have submitted fraudulent
 24 ride receipts; such action could potentially result in a variety of penalties, including
 25 but not limited to dismissal of plaintiffs' claims with prejudice and sanctions
 against plaintiffs' counsel. Given the seriousness of the potential repercussions of
 Uber's pending motion, it would be prejudicial both to plaintiffs as well as Uber to
 allow counsel to withdraw so soon before that dispute can be resolved.

26 ECF 3759.

1 Factors which this Court considers in ruling on a motion to withdraw include: (1) the reasons
2 why withdrawal is sought, (2) the prejudice withdrawal may cause to other litigants, (3) the harm
3 withdrawal might cause to the administration of justice, and (4) the degree to which withdrawal will
4 delay the resolution of the case. *Eagle Eyes Traffic Industry USA Holding LLC v. E-Go Bike LLC*, No.
5 21-cv-07097, 2025 WL 1479160, at *2 (N.D. Cal. Feb. 19, 2025). Peiffer Wolf’s motion to withdraw
6 does not identify these four factors and makes only naked allegations about the alleged lack of
7 prejudice and delay, citing no case law. ECF 4446. Failing to timely raise and substantively address
8 these issues constitutes a forfeiture, *In re Cellular 101, Inc.*, 539 F.3d 1150, 1157 (9th Cir. 2008), and
9 this Court could deny the motion on that basis alone.

10 On the merits, this Court should deny Peiffer Wolf’s motion to withdraw because of the
11 prejudice withdrawal would cause Plaintiff I.C. and Uber, the likely delay, and the potential harm to
12 the administration of justice. As set forth above, the deadline for Plaintiff I.C. to respond to PTO 31
13 has already passed, and she is facing case-terminating sanctions. ECF 3877. The critical juncture at
14 which Peiffer Wolf’s abrupt Motion to Withdraw comes makes the potential prejudice to Plaintiff
15 more acute. *See Oracle Am. v. Service Key, LLC*, No. 12-cv-00790, 2013 WL 12218460, at *1 (N.D.
16 Cal. Jan. 18, 2013) (denying withdrawal and noting that client could face default judgment). Moreover,
17 Uber would be severely prejudiced by Peiffer Wolf’s withdrawal at this juncture, because withdrawal
18 would make it more difficult for Uber and this Court to obtain the evidence Plaintiff I.C. (and Peiffer
19 Wolf, as her counsel) owe them to substantiate their claims that Plaintiff took an Uber ride and suffered
20 an assault. *See TMC O Ltd. v. Green Light Energy Sols. R&D Corp.*, No. 4:17-cv-00997, 2020 WL
21 1531226, at *1 (N.D. Cal. Feb. 3, 2020) (withdrawal should be denied when it “would work an
22 injustice or cause undue delay in the proceeding”); *Eslick v. Intuitive Surgical, Inc.*, No. 18-cv-02200-
23 LHK, 2019 WL 13201902, at *2 (N.D. Cal. Apr. 9, 2019) (denying motion to withdraw that “would
24 pose possible prejudice to Plaintiff and Defendant and may delay resolution of the case”). At the very
25 least, this Court needs more information from Peiffer Wolf about its communications with Plaintiff
26 I.C. and what it did to investigate her claims so it can determine the extent to which withdrawal would
27 harm the administration of justice. *Floyd v. Amazon.com Inc.*, No. 22-cv-1599, 2024 WL 5040453, at
28

1 *1 (W.D. Wash. Nov. 5, 2024) (“more information from Floyd’s counsel is needed in order to resolve
2 questions of delay, prejudice, and harm to the administration of justice, before the Court can adjudicate
3 the motion to withdraw representation”).

4 Indeed, there is cause for concern here because counsel’s declaration in this case suggests that
5 Peiffer Wolf filed both the complaint and the PFS despite lack of contact with Plaintiff. Counsel states
6 that:

7 Between December 4, 2024 and November 14, 2025, Plaintiff received numerous
8 emails, text messages, telephone calls, and voice messages requesting that she
9 contact our office. These communications included twenty (20) unsuccessful phone
calls with voice messages, seven (7) unanswered text messages, and eleven (11)
unanswered e-mails.

10 ECF 4446-1 ¶ 5b. But despite the lack of communication, Peiffer Wolf still filed Plaintiff I.C.’s
11 complaint during this period, on July 30, 2025. *Id.* ¶ 5e. This begs the question as to how counsel
12 fulfilled its “duty **prior to** filing a complaint . . . to conduct a reasonable factual investigation.”
13 *Christian v. Mattel*, 286 F.3d 1118, 1127 (9th Cir. 2002) (emphasis added). Peiffer Wolf then went on
14 to “submit[] Plaintiff’s Uber Ride Information Form and Plaintiff Fact Sheet with the information
15 previously provided by Plaintiff.” ECF 4446-1 ¶ 5f. Plaintiff’s PTO 31 obligations are a direct result
16 of the incomplete information provided in her Ride Information Form, *see* ECF 3877 at 2, apparently
17 by her counsel without her review, ECF 4446-1 ¶ 5. Accordingly, Peiffer Wolf should not be permitted
18 to withdraw as though Plaintiff’s inadequate substantiation of her claims has nothing to do with it; the
19 firm appears to have been integrally involved in filing those claims without evidentiary support.

20 Peiffer Wolf’s Motion to Withdraw should be denied for the same reasons this Court denied
21 prior, similar motions. ECF 3759; ECF 3974; and ECF 4167. Counsel has not set forth an adequate
22 basis to withdraw and has not complied with its professional obligations in this case. The firm’s last-
23 minute withdrawal would be unduly prejudicial to both Plaintiff I.C. and Uber.

1 DATED: November 21, 2025

Respectfully submitted,

2 **SHOOK, HARDY & BACON L.L.P.**

3 By: /s/ Christopher V. Cotton

4 CHRISTOPHER V. COTTON

5 *Attorney for Defendants*
6 UBER TECHNOLOGIES, INC.,
7 RASIER, LLC, and RASIER-CA, LLC
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28